



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
INTERNATIONAL AFFAIRS

Ms. M. Dolores Wesson
Chair, U.S. National Advisory Committee
Coastal Observing Research and Development Center
Marine Physical Laboratory
Scripps Institution of Oceanography
La Jolla, CA 92093-0202

Dear Ms. Wesson:

On behalf of Administrator Stephen L. Johnson, I would like to thank you for the National Advisory Committee's (NAC) advice of December 15, 2008 reporting on its October 2008 meeting and providing valuable recommendations to the United States regarding the Commission on Environmental Cooperation (CEC) and the important issues of communications, emerging trends, and the CEC Operational Plan. I was sorry that I could not join you in person, and am pleased that Sylvia Correa of my staff, Senior Advisor for North America for the Office of International Affairs, was able to participate.

We acknowledge that, as noted at your last meeting and in your advice, the NAC and GAC project suggestions from the spring were seriously considered, and in many cases, integrated into the CEC Operational Plan. We appreciate your input and continue to benefit from your useful advice.

Thank you for the valuable comments you provided regarding Mapping North American Environmental Issues. We agree with you that the information included in the map should serve a broad audience and like the suggestions on how to better promote the use of the map. We will propose such activities to our counterparts in Mexico and Canada, as well as the idea of including agriculture uses in the land cover layers.

Thank you for your recommendations with respect to the State of the North American Environment Report. We agree that a version of the report should be available on line that would include all references needed to give the report the scientific credibility required. We also appreciate your recommendation related to water, water conservation, the relationship of water to energy use and the role of water in conserving habitats. As you correctly noted, this work falls outside the scope of the CEC. However, water is a key element in the Border 2012 program, and additional work related to these issues has been undertaken by EPA's Office of Water. We will pass on your comments related to the need for better analyses in support of border communities to the appropriate experts within those programs.

The U.S. agrees with your recommendation about the importance of biodiversity and will continue to support efforts related to those activities, including as you suggest, the NAMPANs. The linkages to emerging trends are a good suggestion that we will endeavor to attend to as we move forward with the strategic planning process. We agree that one criterion for determining the success of biodiversity initiatives is the project's contribution to reducing the rate of biodiversity loss for either the target species or ecosystem. However, it is important to remember that the projects undertaken through the CEC are but a small portion of a much larger tri-national effort related to biodiversity, and any review must bear this in mind.

With respect to your recommendation regarding the citizen submission process under Articles 14 and 15 of the North American Agreement on Environmental Cooperation, we have previously explained that we are committed to responding promptly when the Secretariat provides us with determinations. We question, however, whether additional rules advocated by the NAC in this area would make for a positive change. Although there have been long delays on several submissions, which are still pending, it bears note that, unlike the Secretariat that has a dedicated staff and an annual budget of over \$800,000 exclusively for matters related to citizen submissions, the Parties must bare the burden of responding to such submissions within prevailing budget constraints. Moreover, as we have explained previously, the U.S. is not always in a position to push the process forward as quickly as we might hope because of the consensual nature of the decision-making by the Council. Nonetheless, we expect to review the existing Article 14 and 15 procedures with the incoming administration and will ensure that your advice on this point is shared as part of that review.

Regarding your advice on the Operational Plan and the need to evaluate the entire document annually, we agree in principle with your advice and we will endeavor to raise it with our counterparts in Mexico and Canada. With respect to the advice provided on the Puebla Declaration and its three pillars, we preliminary have some issues with your assessment. Although no final decisions have been made, the U.S. agrees with the GAC's view that the new Strategic Plan 2010-2015 should reflect the current priorities of the Parties, pursuant to the vision and energy existing now, and not be tied to decisions made six years ago under much different political, economic and environmental circumstances. We believe, as the GAC suggests, that it is important to allow the organization to reinvent itself as necessary to seize opportunities and meet new challenges, and this is the path we would prefer.

Thank you for your advice regarding the green building report. We will work to ensure that the document is widely disseminated. EPA is also aware of the issue raised by the disparity between hazardous waste inspections at various ports along the Mexico-U.S. border. We have started a dialogue with U.S. Customs and Border Protection, EPA Region 9 and the Arizona Department of Environment to address this issue through increased hazardous waste inspections at ports along the border. Finally, as an update on our continuing training efforts, the CEC on-line Ozone Depleting Substances training, presented during a previous meeting, is complete. Module 1, available to the general public, can be accessed through www.cec.org, and module 2 for inspectors is available at www.netionline.com, EPA's National Enforcement Training

for inspectors is available at www.netionline.com, EPA's National Enforcement Training Institute. The CEC Hazardous Waste Training for Border Inspectors is under development and will be completed in 2009.

Parallel activities in support of continent-wide regulatory standards have been undertaken by EPA's Office of Environmental Information, with support from our Office of General Counsel. Representatives from both Offices met with Customs and Border Protection's (CBP) Office of Regulations and Rulings (OR&R) to discuss a "straw" Data MOU (memorandum of understanding) that will be used for exchanging data between EPA and CBP. The MOU covers topics that range from authorities and responsibilities to emergency situations and data elements. CBP conducted an initial review and will follow up with more detailed comments. The meeting was a significant step forward in developing the Data MOU between the two Agencies.

As always, your guidance is highly valuable. We look forward to discussing these ideas with you in more detail, and continuing to work together over the winter and spring to strengthen the CEC as a catalyst for cooperative action in North America.

Sincerely, _____

Scott Fulton
Acting Assistant Administrator